

Meeting of 2005-2-22 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
FEBRUARY 22, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Brenda Smith, Acting City Clerk

Mayor Purcell called the meeting to order 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Rev. Wayne Ashlock, First Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO BRUCE ALGER, BUILDING MAINTENANCE SUPERINTENDENT, PARKS & RECREATION DEPARTMENT.

Kim Shahan, Parks & Recreation Director, congratulated Bruce Alger on being selected as Employee of the Month. Mr. Alger began working for the City in 1988 and has been promoted to Building Maintenance Superintendent. Shahan commended Alger for his dependability and for his ability to handle almost any problem. Building Maintenance is responsible for 38 City buildings. Mayor Purcell presented a Certificate of Honor, plaque, gift certificates from Mall merchants, two days of non-chargeable leave and a Mayor's Do What's Right coin. Alger said it was an honor to be selected as Employee of the Month and he recognized each of the employees in his crew by name, thanking them for the work they do.

STATE OF THE CITY ADDRESS BY MAYOR PURCELL

Mayor Purcell gave the State of the City Address, which is included as an attachment to these minutes.

ANNUAL REPORT FROM HIGHLAND CEMETERY BOARD BY CHAIRMAN LARRY CAMPBELL

Larry Campbell, Highland Cemetery Board Chairman, said \$82,690 was generated during the year. There were no changes in rules. Saturday fees were increased, as well as weekday fees for services required after 3:30 p.m. All fees increased \$100 except for the weekday cremation fee, which was not changed. 2,900 feet of street improvements were made, the Veterans' area was landscaped, the street lighting project was completed. The City provides operating funds and part of this is reimbursed from fees and sales, 75% of which goes to the General Fund. Employees include the sexton and four workers. The Care Fund balance is \$147,000, as well as a \$50,000 CD. Steve Newcombe is the trustee for the Perpetual Care Fund, which has a balance of \$297,548. There are 4,333 spaces remaining in the cemetery that have not been sold. At the current sales rate, spaces should be available for the next 42 years.

AUDIENCE PARTICIPATION:

Raymond McAlister expressed appreciation for the troops serving the nation and thanked God for seeing them safely return home.

John Wolfenbarger began to speak about Judge Corrales. Mayor Purcell advised it was inappropriate for comments

to be received at this time. Wolfenbarger asked if he would be allowed to speak when the item is considered. Mayor Purcell said it is scheduled for executive session and it would be the Council's decision to receive comments.

Wolfenbarger asked who was responsible for securing the water rights for the next seven years for Waurika water. Mayor Purcell said he believed it was the Waurika Conservancy District. Wolfenbarger asked why the seven-year contract was not renewed and said there is a chance of losing Waurika water because a lot of people want it in Texas. He said someone should look into it. Mitchell said the renewal of the permit from the Oklahoma Water Resources Board is submitted by the Waurika Conservancy District, and the District is aware of that issue. Wolfenbarger said we have been paying on this for about 30 years and right now it is \$1.2 million so that would be a lot of money to lose just because someone did not take care of business. Mayor Purcell said he thought it was being taken care of and that there is a bill under consideration in the Legislature to address part of that issue, but staff would check tomorrow to be sure the necessary documents have been submitted.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF FEBRUARY 8, 2005.

MOVED by Warren, SECOND by Shoemate, to approve the Minutes of February 8, 2005. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. MOTION CARRIED.

CONSENT AGENDA: Separate consideration was requested for Items 6, 8, 9 and 17.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of Items 6, 8, 9 and 17. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Barbara Stinnett in the reduced amount of \$495.00, Fred & Charlotte Fox in the amount of \$548.34 and Charlie Martin in the reduced amount of \$2,568.20. Exhibits: Legal Opinions/Recommendations; **Resolution Nos. 05-16; 05-17 and 05-18**. Action: Approval of claims and resolutions.
2. Consider the following damage claims recommended for denial: Progressive Preferred Insurance in the amount of \$4,680.37 and Chancie Nigh in the amount of \$750.00. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.
3. Consider denying a request for the installation of traffic control at the intersection of SW 24th Street and Cornell. Exhibits: None. Action: Denial of request.
4. Consider approving a resolution authorizing the installation of traffic control devices on the 1500 block of Roosevelt, SW A Ave. and SW B Ave. at 14th Street, SW Oklahoma and SW Texas at 17th Street, SW 97th Street south of Lee Blvd., SE 6th Street at Springhill Suites driveway, SE 7th Street at Interstate Drive, SW 26th Street and SW 27th Street just south of Gore Blvd., Debracy just north of Hugh Bish's SE driveway, SW 13th Street at Park, SW Washington at 16th Street, SW Garfield at 17th Street, SW 13th Street at Garfield, NE Shelter Creek Drive and Brentwood Drive. Exhibits: **Resolution No. 05-19**. Action: Approval of resolutions.
5. Consider adopting a street light resolution to authorize the removal of two street lights at the intersection of SE 45th Street and Lee Blvd. And the installation of two street lights at the intersection of SE 45th Street and Lee Blvd. Exhibits: Street Light Resolution No. 432. Action: Approval of Street Lights Resolution No. 432.
6. Consider approving a credit adjustment to utility account #1105296048 for the Victoria Square Apartments located at 2513 NW 38th Street in the amount of \$622.16. Exhibits: Notarized Statement dated 1/21/05 from Mike Nottingham; Invoice dated 12/31/04 from Country Hardware, Inc. for repair part.

Warren spoke against granting adjustments to utility accounts. He said a citizen had related to him that this is like buying a bag of dog food, having a mouse eat the dog food, buying a mousetrap, and taking the receipt back to the store for a refund on the dog food; this will not happen. Warren said the citizen told him that it was his money the Council was giving away on adjusting water bills. Patton said a person who had an underground leak and a \$400 water bill would likely not feel that way.

MOVED by Warren, SECOND by Devine, to deny the credit adjustment. AYE: Warren, Shoemate, Devine. NAY: Haywood, Givens, Ewing-Holmstrom, Shanklin, Patton. MOTION FAILED. *Note: Haywood initially abstained from voting and voted aye prior to the vote being announced.

MOVED by Shanklin, SECOND by Haywood, to approve the credit adjustment to utility account #1105296048 for the Victoria Square Apartments located at 2513 NW 38th Street in the amount of \$622.16.

Shanklin said the Finance Director indicated he had investigated and approved the adjustment, and it is a lot of water.

VOTE ON MOTION: AYE: Givens, Devine, Shanklin, Patton, Haywood. NAY: Warren, Shoemate, Ewing-Holmstrom. MOTION CARRIED. Mayor Purcell reminded the Council that if a member abstains, they cannot go back and change an abstention, there is no passing, and those are the rules the Council adopted.

7. Consider approving request from the Arts & Humanities Division to pursue applying for a Local Government Challenge Grant from the Oklahoma Arts Council for FY 2005-2006. Exhibits: None.

8. Consider approving and accepting \$9,035 from the Oklahoma State Regents for Higher Education through the Oklahoma Higher Learning Access Program for the Youth Services Division Outreach Program. Exhibits: Copy of grant proposal. Action: Approval of item as stated.

Mr. Bryce Fair, Oklahoma State Regents for Higher Education, presented the \$9,035 grant amount and explained the program, which is designed to encourage low to middle income students to attend college. Leroy Giles, Youth Services Division, was commended for taking the initiative to participate in the program. Mayor Purcell expressed appreciation for the grant funding. Kim Shahan, Parks & Recreation Director, said the program will be carried out through college students working through Mr. Giles office. Mayor Purcell said Dr. Ross at Cameron is a strong advocate of the program, which pays college tuition for eligible students.

MOVED by Devine, SECOND by Haywood, to approve the grant. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

9. Consider the bids for the Water System Security Fencing Project 04-4 SSES. Exhibits: None.

Warren said the Council has the option of approving this but there is a chance the federal government could require repayment of \$120,000. He said State officials said they did not have a problem with it and we could do the fencing, but they would not put that in writing, which tends to make staff nervous. The project is fencing of Pump Station 4 and the Water Treatment Plant. Warren said time is a factor and staff was waiting on federal officials to agree that an environmental impact study is not required; if the bid was approved, there would be a chance that federal officials would require repayment of \$120,000.

Jerry Ihler, Public Works Director, said this is a federal grant, which will be audited. He said experience has shown that when holes are dug or trees are removed, the audit will request the environmental assessment. Ihler said the state group originally said the environmental assessment was not required but when a written statement in that regard was requested, they started checking up the line to see if it was required and they would not provide it in writing, however, they are checking it. Ihler said these funds must be spent by April 30 so staff recommendation is to reject because an audit will likely say that an environmental assessment should have been done.

Warren said this has been before Council three times and he had no problem using the funds for what staff intends to use them for now. He said the items were included on the original list and they were not new projects. Ihler said they would just be buying more of what was originally approved. Warren offered a motion to reject the bids and accept staff's decision.

Mayor Purcell said the item is to reject the security fencing, and if those bids are rejected, the funds can be applied to other projects where there will be no danger of having to pay back the grant. He said the recommendation is to reject the bids and spend the money on the other projects that are on the list. Warren said this is different from what was requested through Homeland Security and that will be a large funding source in the future and we do not want problems in that regard.

MOVED by Warren, SECOND by Devine, to reject all bids for the Water System Security Fencing Project 04-4 SSES. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

10. Consider adopting a resolution authorizing the Mayor and City Clerk to execute a project agreement for maintenance and funding with the Oklahoma Department of Transportation (ODOT) for improvements on the NE Flower Mound Road (Gore Blvd. To Cache Road) Project #2004-17, Federal-Aid Project Number STP-116B(046). Exhibits: **Resolution No. 05-20**; ODOT letter dated February 8, 2005. Action: Approval of resolution.

11. Consider accepting documents which are needed for the Flower Mound Project #STP-116B (046) (Gore Blvd. To Rogers Lane) and authorize the Mayor and City Clerk to execute the proper documents and authorize payments to property owners for all of the items listed below. Exhibits: None. Action: Accept documents and approve payments: Frank L. Richards Trust \$13,000; The Richards Family Group LLC \$815; J.C. and Wilhelmina Hester \$3,232.

12. Consider approving plans and specifications for the Elmer Thomas Park Roadway Construction Project

#2004-10 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approve plans and authorize bid advertisement.

13. Consider approving the construction plat for Boyles Landing, Section 3, subject to conditions. Exhibits: Plat Map. Action: Approve construction plat subject to approval of ODEQ and vacation of existing easement which bisects the proposed plat by District Court or adjust the lot lines and illustrate the location of the easement on the record plat.

14. Consider approving the construction plat for Boyles Landing, Section 4, subject to condition. Exhibits: Plat Map. Action: Approve construction plat subject to approval of ODEQ.

15. Consider authorizing application for a Department of Justice grant. Exhibits: None. Action: Approval of application for bulletproof vests.

16. Consider awarding contract for Police Duty Gear (CL05-031). Exhibits: Department Recommendation; Bid Abstract. Action: Award to Special OPS Uniforms, Inc.

17. Consider awarding contract for Credit Card Acceptance Program (RFP CL05-033). Exhibits: Department Recommendation; Bid Abstract.

Shanklin asked if this would cost the City money or if the costs would be passed on to those using the credit cards. Laura Smith, Financial Services Supervisor, said the costs are passed on.

MOVED by Shanklin, SECOND by Patton, to approve award to Bank of Oklahoma of Tulsa. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Shanklin. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

18. Consider awarding contract for Metal Products (CL05-032). Exhibits: Department Recommendation; Bid Abstract. Action: Award to Albright Steel and Wire.

19. Consider approving the following contract extensions: A) Dewatering Polymer (CO04-041) with Polydyne, Inc. Wastewater Collection; B) Custodial Maintenance Service Group 2 & 3 (CL03-051) with Universal Cleaning, Inc. Building Maintenance; C) Dairy Products for Lawton City Jail (CL03-44) with Hiland Dairy Foods Police. Exhibits: None. Action: Approval of extensions.

20. Consider approval of payroll for the period of February 14 to 27, 2005. Exhibits: None.

BUSINESS ITEMS:

21. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Professional Office to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 1428-1434 NW Sheridan Road. Exhibits: **Resolution No. 05-21; Ordinance No. 05-06**; Map; Site Plan; Applications; CPC Minutes.

Deborah Jones, Acting Planning Director, reviewed the following background information: This request includes Lots 11-14, Block 1, Stephens Addition, which measures 240 x 130 . The property owners are Vernon and Rachelle Williams and Roger and Jahrea Smith. The purpose of the request is for additional parking for the Pusan Restaurant located to the south of the requested area, and construction of a barbershop, and a grocery store.

The zoning of the surrounding area is R-1 to the north and west, C-1 to the south, and C-5 to the east. The land use of the surrounding area is single-family residential to the north and west, commercial to the south and east. The current use of the property is vacant. The 2025 Land Use Plan designates this area as Professional Office. The minimum zoning required for the proposed uses is C-1.

On January 13 and 27, the City Planning Commission held public hearings on the request. During those hearings, two persons spoke in favor of the request and four persons spoke against the request. The concerns expressed by residents were focused mostly on traffic and drainage issues. On January 27, after review of the drainage plan submitted by the applicant, the CPC voted 7-0 to recommend approval to the Council of the rezoning request. Notice of tonight s public hearing was mailed to 39 property owners within 300 feet of the requested area, and proper notice was published in The Lawton Constitution.

Jones said she had received one call of protest since the CPC meeting; the caller was an elderly woman who was afraid that she would not be able to attend tonight, her name is Mrs. Glass.

Shanklin said he attended the CPC meeting and heard Jones say the EPA and DEQ regulate air emissions of a chemical nature but did not believe there was a means to monitor or regulate the odor. He asked if that was still true. Jones said yes. Shanklin asked if the residents have to smell that if it is next door to them. Jones said if the

Council wanted to regulate odors, they could pass an ordinance but there would have to be some means to measure it and monitor it, but the City has no regulations on odor except in industrial areas.

Shoemate said Mrs. Glass mentioned there might be a flooding problem. He asked if it is in a flood plain. Jones said no. Shoemate asked if there is any danger of Mrs. Glass property flooding or of drainage going into her yard. Jones said not from this tract.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shoemate, SECOND by Devine, to approve **Resolution No. 05-21** and **Ordinance No. 05-06**, waive reading the ordinance, read the title only.

(Title read by City Attorney) **ORDINANCE NO. 05-06**

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Haywood, Warren, Shoemate, Givens, Devine, Shanklin, Patton. NAY: None. OUT: Ewing-Holmstrom. MOTION CARRIED.

22. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Public to Industrial and a change of zoning from P-F (Public Facilities District) to I-4 (Heavy Industrial District) zoning classification located at 1602 SW Sterling Drive. Exhibits: **Resolution No. 05-22; Ordinance No. 05-07**; Map; Site Plan; Applications; CPC Minutes.

Deborah Jones, Acting Planning Director, said this is a request involving 2.49 acres located north of the Lawton Municipal Airport. The applicant is the Lawton Metropolitan Area Airport Authority. The zoning of the surrounding area is public facilities to the north, south, east and west. The land use of the surrounding area is airport facilities to the north, south, east and west. The 2025 Land Use Plan designates this area as public. The tract involved in the request contains a building which was formerly a hangar used by the airport; it has now been leased to a trailer manufacturing facility. On January 27, 2005, the CPC held a public hearing on this request. During the public hearing, one person appeared to speak in favor of the request. No one spoke in opposition. The CPC, by a vote of 7-0, recommended approval. For tonight's public hearing, the notices were mailed to one property owner within 300 feet and notice was published in The Lawton Constitution.

Devine asked if this change is to accommodate the trailer manufacturing plant and Jones said yes, to bring it into compliance.

PUBLIC HEARING OPENED.

Chuck Wade, attorney for the Lawton Metropolitan Area Airport Authority, said this request should have been made some time back. He said the use prior to this was the American Eagle maintenance facility and it probably should have been zoned I-4, heavy industrial, for that use. Wade said they are requesting rezoning for a larger area than the actual building to allow for future expansion. He said the one property owner mentioned is the City of Lawton. Wade urged approval of the request.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Devine, to approve **Resolution No. 05-22** and **Ordinance No. 05-07**, waive reading of the ordinance, read the title only.

(Title read by City Attorney) **ORDINANCE NO. 05-07**

An ordinance changing the zoning classification from the existing classification of P-F (Public Facilities District) to I-4 (Heavy Industrial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

23. Hold public hearings and adopt resolutions declaring the structures at: 1213 NW Andrews Avenue, 309 NW Dearborn Avenue, 511 SW 9th Avenue (902 SW E), 1432 NW Logan Avenue, and 514-1/2 NW Bell to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Five

Resolutions.

1213 NW Andrews: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She said it is a one-story, wooden structure that is very dilapidated; Neighborhood Services has had to secure it on two separate occasions, including this past month.

PUBLIC HEARING OPENED.

Gary Bogle said this is his grandmother's house, it has been boarded up for over a month and they are going to remodel it. The utilities have been off for about a year and a half. There are plumbing problems but they are in the process of getting permits to remodel and get the plumbing repaired. Bogle said they did not think it needed to be torn down.

PUBLIC HEARING CLOSED.

MOVED by Givens, SECOND by Ewing-Holmstrom, to approve **Resolution No. 05-23**. AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Givens asked that staff explain to Mr. Bogle that he can still apply for the permits and the structure will not be demolished if he moves along in an expedited manner.

309 NW Dearborn: Laycock presented photographs of the property and said it is a voluntary matter. She said it is a two-story, wooden structure in very poor condition, and it has been vacant for quite some time. It has been secured several times.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 05-24** declaring 309 Dearborn a dilapidated public nuisance. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

511 SW 9th Avenue (902 SW E): Laycock presented photographs and said this has been to Council on June 24, 2003, and on June 14, 2004. The mortgage holder was not notified last time. The owner secured one 30-day permit (September 29 to October 29, 2004) in an attempt to meet the requirements of Code. It is a very seriously dilapidated property consisting of five structures.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 05-25** declaring 511 SW 9th, aka 902 SW E Ave., as a dilapidated public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

1432 NW Logan Avenue: Laycock presented photographs and requested the main and accessory structures be declared D & D. It is currently unoccupied and in very poor condition; junk and debris are crowding the property. Ewing-Holmstrom asked if there are junk cars. Laycock said yes, and the day they went out to take the pictures, the owner was there with a paintbrush but it is too little, too late, and they did not have a permit for what they were doing.

PUBLIC HEARING OPENED.

Blake Dutcher, attorney for the owner, Ray Sartain. He said the red car is a 1950 Plymouth that is in running condition. A permit was issued to remodel the house a little over a year ago. The owner is 67 years old and in ill health, and he was there with a paintbrush trying to do most of the work himself. The permit issued last year was an attempt to try to bring this up to a habitable condition. Much of the debris was moved out of the house during earlier remodeling attempts. A new roof has been installed, and the front was painted. Mr. Sartain fell ill and ceased work on the property, although he was there today because he has been made aware of the seriousness of the nature of maintaining property. Dutcher said he had been there, and some of the surrounding houses are in wonderful condition so he could understand why we would want to do something with this house.

Dutcher requested the matter be tabled for 120 days and see what progress can be made. He said if improvements are not made in that time, then the Council can have its pleasure.

Ewing-Holmstrom asked how long Dutcher had been representing Mr. Sartain. Dutcher said on and off probably eight or nine years. Ewing-Holmstrom asked if this was the first time Dutcher had represented him in this matter. Dutcher said no, about this time last year Mr. Sartain received a notice from the City which said there are deficiencies with the property, such as the roof, window, debris on the side of the house, and the general condition. Dutcher said he told him to get a building permit and start work at that time, and he got the permit, put on the new roof, painted the front and then stopped. Dutcher said he had not heard from Mr. Sartain again until the first part

of this week, after he received notice of the Council item. Ewing-Holmstrom said she knew the owner was elderly and ill. Dutcher said that was part of it but he would not offer an excuse that he did everything in that time period that he could have done; clearly, he did not and he did not offer excuses on his behalf, but some people get messages in different fashions and a little slower than others. Dutcher said he had met with Mr. Sartain and perhaps did not do an adequate job of convincing him previously but hoped he had now.

Patton said if this resolution is passed, Mr. Sartain will have 90 days, and the City did not want to tear anything down. Vincent said the resolution will go into effect 30 days after passage, and during that 30 days, Mr. Sartain can obtain a building permit or a demolition permit, and if he does either of those, nothing will be filed in District Court. Vincent said if a building permit is obtained, he will have 90 days to bring the property to code, and if he is close, the Council usually grants extensions. Dutcher said he understood and would rather have his cake and eat it too.

PUBLIC HEARING CLOSED.

MOVED by Givens, SECOND by Warren, to adopt **Resolution No. 05-26**. AYE: Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

514-1/2 NW Bell: Laycock presented photos and said this is the accessory structure. She said this went to Council on May 11, 2004, but the mortgage holders were not notified so it had to be brought back.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 05-27** declaring 514-1/2 Bell a dilapidated structure. AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

24. Consider adopting a resolution to repeal Resolution No. 03-147 which condemned property at 1213 SW 25th Street. Exhibits: Excerpt of Minutes of August 12, 2003; **Resolution 05-28**.

Shanklin said the owner would like to get this off of D & D so they can sell it, and the new owner will get a remodeling permit. He said the \$605.88 would have to be paid. Vincent said those funds have been paid to reimburse the City.

MOVED by Shanklin, SECOND by Shoemate, to approve **Resolution No. 05-28**, which repeals Resolution No. 03-147, and authorize the City Attorney to dismiss the lawsuit.

Givens asked why it has been a year and a half since the last resolution and nothing has been done. Vincent said they have to wait a certain time period after the Council action to file the lawsuit, and there was a problem getting service on a couple of the mortgage holders, and default judgments are pending.

Givens asked if the \$605.88 included staff time that has been spent and Vincent said no, it was for mowing and for some of the costs associated with the lawsuit. Warren said he felt the buyers would remodel this property, but the processes take too long, properties get sold back and forth, and the house stays in the same condition for many years, so staff may need to look at that.

VOTE ON MOTION: AYE: Devine, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Givens, Ewing-Holmstrom. MOTION CARRIED.

25. Consider an ordinance amending Section 19-4-412, Article 19-4, Chapter 19, Lawton City Code, 1995, pertaining to designated hunting areas by amending the boundaries of a hunting area at Lake Lawtonka, providing for severability and an effective date. Exhibits: **Ordinance 05-08**.

Kim Shahan, Parks & Recreation Director, said the ordinance pertains to the designated hunting areas on the east side of Lake Lawtonka. He said residents of Oak Meadows are concerned about safety to children and those who are swimming or picnicking in the East Campground. Shahan said the Lake & Land Commission considered this on February 9 and he described the areas on a map that are proposed to be deleted from hunting. He said the department and Lake & Land Commission recommend approval.

MOVED by Ewing-Holmstrom, SECOND by Givens, to approve Ordinance No. 05-08, waive reading of the ordinance, read the title only.

(Title read by City Attorney)

ORDINANCE NO. 05-08

An ordinance pertaining to designated hunting areas amending Section 19-4-412, Article 19-4, Chapter 19, Lawton City Code, 1995, by amending the boundaries of a hunting area at Lake Lawtonka, providing for severability, and an effective date.

VOTE ON MOTION: AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

26. Consider an appeal on the denial of a building permit and special flood hazard development permit for an addition of a handicapped accessible bedroom and bathroom located at 1410 NW 24th Street submitted by William Cervený. Exhibits: Letter of Denial by the License and Permit Center; FIRM Map; Criteria for Granting Appeal; Notice of Appeal; Statement by Landmark Engineering; Order.

Larry Wolcott, Civil Engineer, said this appeal is in response to denial of a building permit application for a handicapped accessible bedroom and bathroom as an addition to an existing single-family residence at 1410 NW 24th Street. The property is located in the flood plain and Section 19A-242A.1 of the Code states new construction or substantial improvement of any residential structure located in the flood fringe shall have the floor elevated one foot above the base flood elevation. The elevation certificate of the property in question indicates the base flood elevation for this site is 1150.3 feet and the finished floor elevation of the proposed addition is 1150.31 feet.

Wolcott said the City Council may approve variances to construction up to two feet below the base flood elevation if it is found that the proposed construction is contiguous to and surrounded by lots with existing structures constructed below the base flood level. Information has been submitted by Landmark Engineering that indicates the finished floor elevations of the surrounding structures are slightly lower than the finished floor elevation of the structure at 1410 NW 24th Street.

Wolcott said a Finding of Fact-Variance and Order was included in the agenda and all six questions must receive an affirmative vote by Council for the variance to be granted. If all of the questions are answered in the affirmative, the appeal may be granted and the License and Permit Center shall issue the building permit provided all requirements of the City Code are met.

Mayor Purcell said there are six questions for the Council to vote on. Givens asked if it had to be 100% and Mayor Purcell said no, just a majority. Givens asked if the City would be subject to any liability by doing this. Wolcott said it falls under the Council's authority to grant the permit. Vincent said under the FEMA program, the Council can grant variances to the flood plain requirements if the appeal procedure is followed. If a variance is granted without the appeal procedure, FEMA could cause the flood insurance rates to be affected, so this is a federal requirement. Givens asked if there was liability; Vincent said no.

Devine asked if the flood plain cuts through only about half of the lot. Wolcott said it is a little more than half; the structure itself is located in the flood fringe. Wolcott said the very outside boundary is the 500-year flood plain, which is not regulated, and the boundary being discussed here is the 100-year boundary that cuts through the property.

Ewing-Holmstrom said the information states that if any of the questions receive an unfavorable vote, the request for a variance must be denied. She asked if each question must be voted on unanimously in the positive. Mayor Purcell said the question would pass if five or more yes votes are cast, and Wolcott's opinion can be asked on each question. Ewing-Holmstrom said it would seem heartless not to do this given the circumstance of the age and disabilities of the residents.

Wolcott said the one thing that is being varied is the fact that the floor level is at the base flood elevation; if it were simply a foot higher, staff could have issued the permit. Devine said a one-foot increase would make it harder for disabled persons. Shanklin asked why this could not be approved at the staff level when the information states that variances shall only be issued upon the applicant's submission of a showing of good and sufficient cause. He asked if that has been done. Vincent said that is for the Council to determine.

Mayor Purcell said the first question is: Will the request, if granted, result in no increase in flood levels during the base flood discharge? He asked if there were questions and there were none. Roll call on this question was taken as follows: AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None.

Mayor Purcell said the second question is: Will the structure be built no greater than two (2) feet below the base flood elevation? He asked if there were questions and there were none. Roll call on this question was taken as follows: AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None.

Mayor Purcell said the third question is: Has the applicant been given written notice that the granting of a variance to construct the lowest floor elevation below the base flood elevation would cause the cost of flood insurance to the appellant to increase commensurate with the increased risk resulting from the reduced lowest floor elevation? Wolcott said proper notice has been given. Roll call on this question was taken as follows: AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None.

Mayor Purcell said the fourth question is: If the structure has historic character or qualifies under the historic

criteria of the State, is the variance the minimum necessary to preserve the historic character and design of the structure? Wolcott said this structure has not historic character. Roll call on this question was taken as follows: AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None.

Mayor Purcell said the fifth question is: Does the variance meet all of the following: 1) A showing of good and sufficient cause; and 2) A determination that failure to grant the variance would result in a hardship to the appellant; and 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing city code or regulations; and 4) The variance is the minimum necessary, considering the flood hazard, to afford relief. (Note: Hardship is defined in Section 19A-207 as a unique configuration of a plot of land related to the size, shape or topography which is such that if, because of such unique conditions, this article is strictly applied the result would be virtually confiscatory and destroy all economic utility of the land. Financial disappointment, mere loss of possible profit or cost does not constitute a hardship; nor does a neighborhood-wide condition constitute a hardship.) There were no questions. Roll call on this question was taken as follows: AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None.

Mayor Purcell said the sixth question is: Does the variance contain all the conditions deemed necessary to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions throughout the City? (Conditions, if any, are included in Attachment A) There were no questions. Roll call on this question was taken as follows: AYE: Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None.

Mayor Purcell said it would be appropriate at this time to grant the appeal and authorize signature of the appeal order.

MOVED by Shoemate, SECOND by Ewing-Holmstrom, to grant the appeal and authorize signature of the appeal order. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. MOTION CARRIED.

27. Consider an ordinance amending Section 15-1-101, Article 15-1, Chapter 15, Lawton City Code, 1995, by deleting, adding and/or changing the definitions for junk vehicle and antique or classic vehicles and renumbering; amending Section 15-5-502, Article 15-5, Chapter 15, Lawton City Code, 1995, by changing the name, providing junk vehicles are prohibited within the City of Lawton unless located totally within a building or in connection with a business located within a properly zoned area, declaring the existence of junk vehicles a public nuisance, establishing a time limit for junk vehicles to be located on private or public property and deleting the section establishing a rebuttable presumption; amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 1995, by clarifying the prohibition of parking or storage of vehicles in residentially zoned districts or lots occupied by a dwelling unit and clarifying the specific exceptions and establishing conditions and limitations on the storage or parking in front and side yard areas; and repealing Section 15-5-505, Article 15-5, Chapter 15, Lawton City Code, 1995, providing for severability and establishing an effective date. Exhibits: Ordinance 05-____.

Vincent said this item was first presented to the Council in November 2004. He said Council asked that staff look at the area and types of pavement and revision was made on the area of permissible paving in the front yard, and the total yard of the property, to the suggestion by the Council. The number of allowed paving materials was increased from just concrete and asphalt to concrete, asphalt, pavers and paver-type bricks. He said there was a five-year amortization period for compliance, but Council desired that a one-year compliance period be established, which is included in the ordinance, and it requires the vehicles to be moved from grassy areas onto paved areas. He said the changes requested by Council are included in the ordinance and there were no other changes.

Devine asked if this pertains to all zones. Vincent said residential only. Devine asked the dimension on a paving stone and if it was 2 x 2 rock. Vincent said it meant the commercial paving stones that are typically bought at lumber or hardware stores; it is not large pieces of gravel or rock from a quarry.

Ewing-Holmstrom asked how this would affect those with junk cars in their backyards. Vincent said it still provides that if the junk car is within a totally enclosed area, it is allowed. Givens said the grass must be trimmed under the car to prevent rodents from collecting.

Shanklin asked about Section 108 on Page 153. Vincent said the only change is from sidewalk to public property because some areas do not have sidewalks but do have right of ways and easements. Shanklin asked if it means the owner must trim the limbs to eight feet or who trims them. Vincent said the minimum above any public sidewalk is eight feet or 14 feet above any street, alley, public way or utility easement. Shanklin asked whose responsibility is that. Vincent said it is partially still the property owner's, depending upon what part of town it is located in. Vincent said if my tree sticks out almost to the right of way, it is my responsibility to keep it trimmed back. Devine said as long as it does not extend over the sidewalk and Vincent agreed.

Shanklin said Devine made a motion one night that the City would be responsible for limbs being trimmed to 14 feet in the alleys. Vincent said yes, in alleys and on streets; the motion by Devine was just for streets and alleys and

did not include utility easements so the homeowner is responsible for the limbs over the utility easements. Patton asked if Shanklin did not think it was proper for the homeowner to have that responsibility. Shanklin said if the homeowner is 84 years old and lives on \$607 Social Security, he did not think so. Mayor Purcell said if that issue needs to be addressed, it should be done separately. Shanklin said it was done once but it was not codified. Devine said that was part of the policy; it was not to change the code. Shanklin said he did not know how it was done but that was what was meant.

Shanklin said another issue is whether it will be one, three or five years to require compliance as far as surfacing of parking areas. Givens said he favored one year. Shanklin said three years would be better and that one year was not fair. Givens said if you live next door to a house that has the entire front yard as gravel and four or five cars are parked there, you will think it is fair. Ewing-Holmstrom said her neighborhood association by-laws prohibit parking cars in the front yard but residents do so.

Shanklin said this is asking residents of Wards 1, 2, 5 and 7 to pay a pretty large expense in one year. He said he would make a motion in that regard to move it to three years. Shoemate said he would second the motion. Mayor Purcell asked if the motion was for approval of Ordinance No. 05-09, but have it amended where it now has establishing a time period of three years for compliance, versus what is written as one. Shanklin asked if this would be done separately. Mayor Purcell said no, Council would vote on the ordinance. Shanklin suggested voting on the individual items that were added. Vincent said the item being discussed is on Page 158, Subsection six, both the area and the time period.

Mayor Purcell asked if the motion is to pass the ordinance but allow three years for compliance, as opposed to one year. Shanklin said this is quite a change and it seemed to be moving quickly.

Haywood said he had a lot of driveways in his area that are not paved and it would definitely take more than one year to do so. Vincent said his office originally proposed five years, but discussion was held previously about setting it for three years, then the direction from Council was to bring it back with a one year compliance requirement. Shanklin asked the penalty if it is not done. Vincent said it would be a violation. Haywood asked if the City would do this for low income persons.

Mayor Purcell asked if the motion is to approve the ordinance but modify section six on page 158, which now reads to have one year from the effective date of this ordinance to come into compliance, but that would be changed to have three years from the effective date of the ordinance. Shanklin said yes, that is the motion. Shoemate seconded the motion.

MOVED by Shanklin, SECOND by Shoemate, to approve the ordinance but modify section six on page 158, which now reads to have one year from the effective date of this ordinance to come into compliance, but that would be changed to have three years from the effective date of the ordinance.

Devine said it is easy for people with adequate income to comply but there are people who simply cannot afford to spend \$3,000 or \$5,000 totally redoing a driveway. He said he could understand Ewing-Holmstrom's feelings about people parking in the yard in the mud in the middle of the neighborhood, but for people who have had a gravel driveway for 50 years, and they are drawing a very minimal wage, and the City will demand within one year or three years for them to face that expense, he did not know where they could come up with the money. Devine asked if there would be an exception to the rule, and said this is something that takes a little compassion for people to think about. He said Mr. Warren is frustrated because he thinks it should be passed, but he is not one of those low-income people. Warren said he was tired of Devine talking about how compassionate he is and how uncompassionate everyone else is, and guessed it had something to do with running for office. Warren said he had been called uncompassionate two meetings in a row, but it is uncompassionate when your next-door neighborhood has gravel all over their yard and it runs out into the street every day. Vincent spoke about legal rulings with regard to times for compliance in general. Devine said some people will not be able to afford this in ten years and that he would not support it.

Shanklin said Council had not had a chance to look at this for very long or to discuss it. He said there may be a need for a paving district to help residents afford this expense. Shanklin said he wanted to help clean the City up also but that he could not put a hardship on people.

Steve and Donna Ronio, 2408 NW 19th Street, requested permission to speak and Council agreed. Mr. Ronio said two years ago the City made him put chat in his driveway and he has four vehicles, and he cannot park any of them on the street or they will get vandalized in that neighborhood. He said it will cost \$3,000 to \$4,000 to concrete the driveway, and there are streets in Lawton that are not even paved. Mr. Ronio said screenings and chat can be applied so they do not wash down the street and it looks good. He said he did not think the City had the right to put such an expense on him and his family. Mr. Ronio said he had two rental properties across the street from him and they take care of those houses but to keep imposing things like this where he had done the best he could to put in a driveway to park on and keep the vehicles off the street so the vandals cannot paint them, and it will take \$2,000 to \$3,000 because he will have to tear out the old driveway to match the new one to widen it out to make a double drive.

SUBSTITUTE MOTION by Patton, SECOND by Ewing-Holmstrom, to table this until further review.

Mayor Purcell asked if there was a time when it should be returned. Patton said 30 days.

VOTE ON SUBSTITUTE MOTION: AYE: Shoemate, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren.
NAY: Givens. SUBSTITUTE MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Patton expressed appreciation for the 82nd and Cache Road intersection being opened. He asked how the work went at the 75th and Cache Road car wash. Chief Thorne said one citation was written on the premises, and several on adjacent streets and on Cache Road. Patton said it seems to have gotten better.

Shanklin said Chief Thorne will be retiring and he will be missed, and the race will be on for his replacement.

Mayor Purcell distributed a list of vacancies on boards and commissions and asked that Council provide names for those that are ward appointed positions.

Mayor Purcell said complaints were received regarding the poor condition of taxicabs, they are dirty inside and out, missing hubcaps, dented, and make a terrible impression. Chief Thorne said his office had received a complaint and an officer has been assigned to look into the mechanical condition of the vehicles, and they will make contact with the cab companies in those areas which are regulated.

Mayor Purcell said he and Councilmembers Givens and Ewing-Holmstrom will be in Washington, D.C. on March 8th so Mayor Pro Tem Warren will preside, so hopefully it will be a light agenda and it will also be election day. He said he will hold a Town Hall meeting on March 1st at 6 p.m. in the Council Chambers for any citizens who are interested.

Mitchell said a comment was received about Waurika water rights and we have been working to protect those. He said an OWRB meeting is set for March 8th and it is hoped that they will adopt rules to assist in protecting those water rights. He said a hearing will be held Friday morning on the temporary restraining order on the complaint with the labor laws.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

28. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the required settlement conference of a pending lawsuit of The City of Lawton vs. Leland and Julie M. Smith, et al, Case Number CJ-2004-585, in which the City has an interest and in open session, appoint a City Council representative to attend the Settlement Conference. Exhibits: None.

29. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation case of John Scott Reed, Case No. 2003-10336-X, and if necessary, take appropriate action in open session. Exhibits: None.

30. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation case of Douglas A. Wells, and if necessary, take appropriate action in open session. Exhibits: None.

31. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Larry Mitchell as City Manager, and in open session, consider approving an Employment Agreement with Larry Mitchell as City Manager and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Employment Agreement Summary.

32. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of a new City Clerk, and in open session take any action necessary. Exhibits: None.

33. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Michael Corrales as Municipal Judge, and in open session, consider approving an Employment Agreement with Michael Corrales as Municipal Judge and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Employment Agreement Summary.

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action related to Lake Gondola located in Medicine Park, Oklahoma; and if necessary, take appropriate action in open session. Exhibits: None. *This item was stricken and was not considered.

MOVED by Shanklin, SECOND by Warren, to convene in executive session as shown on the agenda and as recommended by the legal staff. AYE: Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:25 p.m. and reconvened in regular, open session at approximately 9:55 p.m. with roll call reflecting all members present.

Vincent read the title of Item 28 and reported the Mayor and Council met in executive session and discussed the required settlement conference in the pending lawsuit City of Lawton vs. Julie and Leland Smith. He recommended the Council appoint a representative to the settlement conference on March 28.

MOVED by Warren, SECOND by Haywood, to authorize Melissa Laycock to attend the settlement conference in Case No. CJ-2004-585 and grant Ms. Laycock the authority to approve, subject to final Council approval, any settlement agreement she deems appropriate. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. MOTION CARRIED.

Vincent read the title of Item 29 and reported the Mayor and Council met in executive session and discussed the pending workers compensation case of John Scott Reed. He said the possibility of settling the case was discussed.

MOVED by Devine, SECOND by Shoemate, to authorize the City Attorney to negotiate a settlement in this case by joint petition, and return to Council for approval if negotiated. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

Vincent read the title of Item 30 and reported the Mayor and Council met in executive session and discussed the pending workers compensation case of Douglas A. Wells. He said the Council discussed the case and the possibility of settlement.

MOVED by Devine, SECOND by Patton, to authorize the City Attorney to negotiate a settlement in this case by joint petition, and return to City Council for approval if negotiated. AYE: Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

Mayor Purcell read the title for Item 31 and reported the Mayor and Council met in executive session to discuss the issue.

MOVED by Patton, SECOND by Haywood, to renew Mr. Mitchell's contract at a salary of \$112,000 for an indefinite term. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

Mayor Purcell read the title for Item 32 and reported the Mayor and Council met in executive session to discuss the issue.

MOVED by Ewing-Holmstrom, SECOND by Haywood, to approve the hiring of Traci Hushbeck at \$48,000 a year for an indefinite period of time effective February 28, 2005. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine. NAY: None. MOTION CARRIED.

Mayor Purcell read the title for Item 33 and reported the Mayor and Council met in executive session to discuss the issue.

MOVED by Ewing-Holmstrom, SECOND by Devine, to approve an employment agreement for two years, to renew the contract for Michael Corrales as Municipal Judge at the salary of \$85,000 annually. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

Mayor Purcell said Item 34 on executive session was stricken and not discussed in executive session.

There being no further business to consider, the meeting adjourned at 10:00 p.m. upon motion, second and roll call vote.

2005 STATE OF THE CITY ADDRESS:

Section C-2-2 of the City Charter requires that the Mayor shall annually provide the State of the City Address. I am pleased to present that this evening. As we end 2004 and begin 2005, it is an opportune time to reflect on the past and look to the future.

First, let me thank you for your confidence in me by allowing me to serve as the Mayor of our wonderful city. I am extremely proud of the Lawton-Fort Sill community and consider it an honor and a privilege to represent you. I believe that if all public servants always strive to Do What's Right, we will make our community a better place to live and work and secure a bright future for our families. My pledge to you is to always try to Do What's Right.

KEY EVENTS OF THE YEAR

2005 CIP Lawton citizens supported and approved both the \$30,000,000 Lawton Public School bond issue in May and the \$85,000,000 City CIP election in August. The passage of the two capital improvement programs will generate over \$100,000,000 in new capital that will be invested locally over the next seven years. The economic impact of the investment coupled with the positive, progressive voter support speaks volumes to those private companies wishing to locate in and around the City of Lawton.

The 2005 CIP officially began January 1, 2005, replacing the five year 2000 CIP that expired December 31, 2004. But shoppers won't notice any change, both programs have the same 1.25 percent sales tax. And the city based ad valorem tax will be kept at 10 mills, coupled with a 10-mill for Lawton Public Schools, the total ad valorem bill shouldn't be any higher than it is now.

City residents broke with tradition on the 2005 CIP. Rather than the long standing practice of a five-year program, voters agreed to two additional years to provide sufficient revenue to cover Phase II of the citywide sewer rehabilitation project.

The 2005 CIP designates \$19 million of the city's \$85 million for those sewer repairs, using \$8.5 million of sales tax and \$10.5 million in ad valorem revenue. (Excerpt from the Lawton Constitution, Sunday, January 2, 2005)

BRAC INITIATIVES The State Military Strategic Planning Commission appropriated \$2,000,000 for local facility assessments for Oklahoma's five military installations. The City of Lawton received \$315,000 for a three part study designed to identify Fort Sill's competitive strengths and weaknesses. Phases I and II of the assessment have been completed, as well as the Community Housing Study which was prepared by Cameron University. The State of Oklahoma will compile each of the five assessments into a final report scheduled to be released in March/April of 2005.

LURA - DOWNTOWN REDEVELOPMENT PLAN The Lawton Urban Renewal Authority (LURA) hired Tetra Tech, Inc., an engineering consulting firm from Oklahoma City to assist them in the development of an ODOT Enhancement Grant Application for Second Street (Ferris to C Avenue). In addition, Tetra Tech, Inc. will team up with Wilber Smith & Associates from Dallas to complete a redevelopment plan for the C Avenue/Second Street corridor.

During the community-wide planning sessions held in September, more than sixty property owners and other interested residents offered ideas and concepts for the Second Street Improvement Plan. In December, the LURA Board chose to submit the Phase I segment of the plan, Ferris to Columbia, to ODOT. The project cost is estimated to be nearly \$600,000. The transportation improvement application will hopefully get approval later in the spring.

WATER RESOURCE/SUPPLY ISSUES

During the 2004 calendar year, the City of Lawton was confronted with two unrelated problems concerning the City's water delivery system.

First, the City's water reservoirs at Lake Ellsworth and Lake Lawtonka continued to shrink as drought conditions persisted throughout western Oklahoma. Despite pumping 15 to 20 million gallons of water daily from Lake Waurika, lake levels at Ellsworth dropped nearly 15 feet. In September, the City Council enacted a new three-stage water conservation policy designed to phase-in a mandatory rationing program should drought conditions persist.

The second water problem occurred when three rural water districts; Pecan Valley Association and the towns of Geronimo and Medicine Park filed suite in Comanche District Court over the city's new water rate for out-of-city customers. The suit asked the Court to establish a more equitable water rate which would be substantially lower than the \$3.24 water rate approved by the City Council in June.

SB 1529 GENERAL EMPLOYEE LABOR ACT

In the Spring of 2004 the Legislature passed and the Governor signed the Municipal Employees Collective Bargaining Act. This Act went into effect on November 1, 2004 allowing municipal employees working in communities over 35,000 in population the ability to form a Union. While the bill is suppose to provide equity and fairness to public sector employees this legislation only effects 11 cities and purposely excludes State, County, and School employees. Fairness should be applied equally across the State and at all levels of public service. The legislation also encroaches into the issue of local control and strips rights granted by the State Constitution to local governing bodies and places those rights to outside parties. The City has challenged the constitutionality of the legislation and the Legislature to arbitrarily take away the local governing bodies rights to govern as directed by the citizens of the community. The citizens and Council deserve the right to maintain control of its operations without interference from individuals or groups not living in the community. The actions being taken to challenge this bad legislation is not about the great work the city employees do or our appreciation for all the work they do to make Lawton a great place to live, work and play. This is about ensuring the City of Lawton has the rights, freedoms and ability to govern itself through elected officials as the citizens see fit without the interference of non-effected, outside parties.

FINANCIAL HIGHLIGHTS

City Audit - The City's financial picture continues to grow brighter as we close out 2004. Recently, the City Council received and accepted the City's fiscal audit for the FY 2003-2004 budget year which ended June 30, 2004. The independent audit firm of John M. Arledge and Associates noted in their management letter, that there were no material or procedural findings to report.

In addition to this exceptional audit statement, Arledge and Associates confirmed that the City's general fund

balance was actually \$500,000 higher than the estimate provided in the FY 2004-2005 budget document.

The strong financial condition of the City is due to the increased revenues and cost cutting measures put in place in FY 2004, the Fiscal year 2004-2005 budget had funds available to begin rebuilding in the capital outlay program, maintenance and operations and personnel. Revenue projections were based on FY 2004 collections with the exception of sales tax, which was increased by 3%. No utility rate increases were implemented. A reserve fund was incorporated, which sets aside funds to be used as grant match or in times of emergency.

Salary adjustments were made for all employee classes to include the police and fire bargaining units. Seventeen new positions were added, which included two inspectors, two dispatchers, three jailers, four police officers and an assistant fire training officer.

Capital outlay expenditures were increased by \$693,184, which included a pumper truck, three packer trucks, tractors and mowers in the parks department, a dozer for the landfill, a distributor truck in the streets division, vehicles for several divisions, tasers for the police department and upgrades of equipment in the fire department.

Maintenance, materials and supplies accounts were increased by \$1,065,577. Increased maintenance projects included funding for an easement clean up project, a city-wide roof repair program, additional support for community centers and increased street maintenance and jail maintenance. Fuel and utility costs were also increased in anticipation of inflation.

The City continues to look for ways to provide the citizens of Lawton the services they expect and have requested at the lowest possible cost.

SUMMARY OF ACCOMPLISHMENTS

2000 CIP PROJECTS:

A ribbon cutting ceremony was held in May for the completion of the \$32.6 million Water Treatment Plant Expansion Project. The three year expansion project expanded the treatment capacity to 40 MGD and provides technology to meet today's Safe Drinking Water Standards. Other significant projects completed this past year as part of the City's CIP were the new Fire Station # 5 located at N.W. 52nd and Gore Blvd. and the widening of the south mile of Flower Mound Road from Lee Blvd. north to Gore Blvd.

FINANCIAL SERVICES

The Finance Department has made many positive improvements this year:

Revenue Services Division:

1. Worked with other utility companies to pursue and prosecute utility theft
2. Increased change-out of dead meters
3. Improved record keeping for meters by investigating duplicate meter serial numbers
4. Improved our customer service: We have received several compliments on how friendly we are becoming.
5. Brought our RMA (bad checks) collection efforts up to date.
6. Now billing hydrant meters quarterly, per Code.
7. Remodeled and reorganized office.

The MIS division was transferred to the Finance Department during this budget year and has since hired a new division supervisor that has made several improvements to the division:

1. Service to our customers (departments and division) is much more responsive
2. Developed an in house online budget system that will be utilized for the FY 05-06 budget preparation.
3. Currently implementing Microsoft Exchange Server, which will provide greater control over the City of Lawton email system.
4. Providing more information about the City on its web site.
5. Is providing valuable support in researching the needs of the City in anticipation of converting to new software and hardware system.

The Financial Services division consists of Accounting, Purchasing and Print Shop operations. This division has done an outstanding job of keeping up with current accounting practices and doing a very good job of accounting for all services as evidenced by our current audit report that had no exceptions noted.

CITY ATTORNEY

Highlights of accomplishments for 2004:

Citations processed	33,628	
Complaints processed	664	
Lawsuits initiated and defended	109	
Damage Claims processed	140	
Friendly Suits initiated	39	
Police Grievances processed		5
Fire Grievances processed	21	

In October 2004, the office received new duties of managing worker s compensation administration.

POLICE

The Staffing of the Police Department was increased by three police officers. The Department has improved it's effectiveness through cooperative programs with the citizens, such as Neighborhood Watch Associations, Citizens on Patrol, and the Citizens Police Academy.

FIRE

The Lawton Fire Department responded to 5,720 incidents. Those included 1,755 Fire/Smoke/Explosion/Lightening/Fire Alarms, 764 Service Calls and 3,196 Emergency Medical Service calls.

MUNICIPAL COURT

Municipal Court changed their non jury trial procedure to reduce the number of police officers subpoenaed for Court; thereby reducing their overtime requests. Previously non-jury trials were held three days a week, now the trials are held two weeks a month. This allows time for the prosecutor to enter into a plea bargain agreement with the defendant before they are docketed for trial, instead of after the fact. There is anticipation that the Municipal Court Judge will request a warrant amnesty program for the month of April, 2005, to allow defendants to pay their overdue fines, reduce the number of active warrants and generate some revenue.

HUMAN RESOURCES

The Human Resources Department added 66 new employees since July 2004. Over 700 benefit enrollment packets were processed as well as providing recurrent safety compliance training to employees.

PARKS & RECREATION

The Lawton-Fort Sill Community celebrated the 25th Anniversary of the International Festival this past year. The event attracted approximately 30,000 people for a weekend of fun, food and entertainment. With Eastside Park opening this past year, the community enjoyed a new attractive state of the art youth baseball facility that was built with funds from the 1995 CIP. The Habitat Restoration at Lake Helen in Elmer Thomas Park was completed, which now will become one of Oklahoma s popular urban fishing sites promoted by the Oklahoma Department of Wildlife.

COMMUNITY DEVELOPMENT

Transit The fixed route ridership for December 2004 totaled 20,421 an increase of 14.02% over December 2003. The fixed route ridership for the FY through December 2004 totaled 121,559 an increase of 13.08% from FY December 2003.

License and Permit Center This division reviewed and issued permits for 207 commercial projects valued at \$25 million dollars. They also issued permits for 785 residential remodel/addition projects valued at \$26 million.

Building Inspection Division Performed 7,942 building inspections and 279 Civil Engineering inspections.

Neighborhood Services Division Neighborhood Services, the City s code enforcement arm, continued its proactive approach to addressing properties with violations to the Lawton City Code. In 2004 officers addressed 4,815 complaints compared to 4,799 in 2003. A total of 332 citations were issued with fines paid totaling \$14,475 in 2004, an increase over 2003 citations at 251 with \$13,746 in fined paid.

Housing and Community Development - This division committed approximately \$867 thousand of new CDBG funding for projects to serve low and moderate income citizens. They committed funding of approximately \$566 thousand under the HOME program.

Before closing, I want to thank the members of the Lawton City Council for their dedication and the untold hours they spend on City duties. These fine men and women work countless hours to make our city a better place to live, work, play and raise a family. Often they receive little recognition or appreciation for their efforts. Without Council s support, most of the things mentioned tonight would not have been possible. I also want to thank the City staff and employees for their hard work on behalf of our citizens. Although often taken for granted, the services which they provide are essential to our health, safety and welfare. Finally, thanks to the countless volunteers who serve on our city on boards, commissions and committees. These generous individuals unselfishly give of their time and talents to improve the quality of our lives.

So, as I began, let me again say, the State of our City is outstanding. As we eagerly anticipate the challenges and opportunities of 2005 and beyond, let's celebrate our city. We are a great city, because we have great people who work hard and care about each other.

Let us continue to work together towards common goals to make the Lawton-Fort Sill community an even better community. We've had success, but many challenges and opportunities lie ahead. I encourage all citizens to get involved - you each have special talents and much to offer.

May God continue to bless the City of Lawton, the Lawton-Fort Sill community and the United States of America.